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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixtieth year

Identical letters dated 26 January 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

In violation and in total contempt of international law, Israel, the occupying Power, continues to confiscate Palestinian land and to destroy property throughout the Occupied Palestinian Territory, including in and around East Jerusalem. Against the backdrop of ongoing efforts to calm the situation on the ground and resume the peace process, Israel is relentlessly pursuing its illegal policies and practices aimed at seizing and colonizing the Palestinian land, particularly by means of its unlawful construction of the Wall and its illegal settlement campaign. Measures also continue to be taken by the occupying Power to further restrict the freedom of movement of Palestinians in their own land, virtually imprisoning the civilian population in their respective cities, towns, villages and refugee camps. These actions are part and parcel of a continuous land grab by Israel intended to impose facts on the ground and entrench its occupation, in grave breach of international law and further complicating and undermining efforts for a peaceful resolution of this conflict.

This week, the occupying Power resumed construction of a section of the Wall by the illegal settlement of Ariel, which is located 12 miles deep into the West Bank. Israeli bulldozers have been razing land, confiscated by the occupying Power from its Palestinian owners, in the area, including in the village of Iskaka, for the construction of the Wall. Indeed, Israel continues to construct the Wall despite the ruling by the International Court of Justice, in its advisory opinion of 9 July 2004 (A/ES-10/273 and Corr.1), on its illegality. In this regard, it is necessary to reiterate that the Court concluded that Israel's construction of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law, and that Israel is under an obligation to cease its construction of the Wall, to dismantle the structure situated therein, to repeal or render ineffective all legislative and regulatory acts relating thereto, and to make reparation for all damage caused by the construction of the Wall. Regrettably, the occupying Power has been doing exactly the opposite. In flagrant disrespect for

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the Court's ruling and in direct violation of General Assembly resolution ES-10/15 of 20 July 2004, Israel has continued to confiscate Palestinian land and to inflict more damage as it has fervently continued its construction of the Wall.

In this regard, Israel continues to confiscate land in Occupied East Jerusalem and to enact other unlawful measures in its drive to entrench its illegal annexation of the city. It is being widely reported that the Israeli Government months ago approved a measure providing for the confiscation of thousands of dunums of land in and around East Jerusalem owned by Palestinians who live elsewhere. The measure, based on Israel's "Absentee Property Law", which has repeatedly been invoked to facilitate the seizure of Palestinian homes and land since 1950, is intended to prevent the use of these lands by their owners and transfer ownership to the occupying Power. It is unquestionable that the current measures being enacted are inherently connected to Israel's construction of the Wall in the East Jerusalem area. In many cases, Palestinian civilians have been unable to access their lands, including olive groves and orchards, because of the Wall and movement restrictions imposed by Israel, and in several cases, particularly in the Bethlehem area, Palestinians actually live only a short distance from or next to their properties that are now slated for confiscation.

Simultaneously, the occupying Power continues to take measures to further isolate and suffocate the Palestinian civilian population in the Gaza Strip. While the whole of Gaza is surrounded by a fence and the severest restrictions on movement into and out of the area continue to be imposed by Israel, plans are currently being pursued to also carve a 2.5-mile-long trench along Gaza's border with Egypt to widen Israel's so-called "buffer zone" along the border. Israeli officials are now estimating that such a plan, depending on the width of the trench, will entail the demolition of another 200 to 3,000 homes in Gaza, specifically in the Rafah area. Rafah has already been devastated by the Israeli occupying forces. Since September 2000, thousands of homes have been destroyed and more than 17,000 people have been dispossessed and rendered homeless. Such actions are not only grave violations of international law but are also totally inconsistent with Israel's alleged intentions for "unilateral disengagement" from the Gaza Strip. Clearly, such an illegal measure as that being planned would serve only to further enhance Israeli control over the area and would greatly exacerbate the humanitarian hardships already being endured by the Palestinian civilian population in Rafah.

It is imperative to reiterate that all such Israeli policies and practices of confiscation and destruction throughout the Occupied Palestinian Territory, including East Jerusalem, are a violation of international law, including humanitarian law and human rights law. The Fourth Geneva Convention is absolutely clear with regard to the prohibition of such actions. Indeed, this wanton destruction of Palestinian property by Israel, the occupying Power, constitutes a grave breach of the Convention as well as a violation of relevant provisions of international human rights law.

In addition to these serious provocations, the Israeli occupying forces also continue to carry out raids and attacks in the Occupied Palestinian Territory. Today, a three-year-old Palestinian girl, Rahma Ibrahim Abu-Shammas, was killed by the occupying forces in Deir al-Balah, and three Palestinian men were shot dead in their car by undercover Israeli soldiers in Qalqilya. Regrettably, despite developments regarding a return to dialogue between the two sides and serious efforts to calm the

situation on the ground, nearly every day of the past week has witnessed the killing of Palestinian civilians, including five children, by the occupying forces.

The dangers of such ongoing violations by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, are extremely serious. The international community must exert all efforts to compel Israel to abide by all of its legal obligations under international law and to return to the peace process in good faith and refrain from any unlawful actions that would undermine a renewed dialogue between the two sides. Moreover, we reiterate the need for the international community to also undertake efforts to actively assist the two sides to immediately resume peace negotiations towards the implementation of the road map and the realization of the two-State solution, as recently stressed by the Security Council in its presidential statement of 13 January 2005 (S/PRST/2005/2).

The present letter is in follow-up to our previous 212 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 18 January 2005 (A/ES-10/295-S/2005/38), constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my profound regret to inform you that, since our last letter to you, at least 13 more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,621. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Somaia Barghouti
Chargé d'affaires a.i.

Annex to the identical letters dated 26 January 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Wednesday, 19 January, to Wednesday, 26 January 2005)

Wednesday, 19 January 2005

1. Shadi Waleed Mohammed Abed
2. Hassan Bedwane

Thursday, 20 January 2005

1. Salaheddine Ekab Abu Mohsen (15 years old)
2. Salah Abdelfattah Abu Eleysh (13 years old)

Friday, 21 January 2005

1. Mohammed Hosni Abu Al-Rab (15 years old) (died from wounds sustained on 29 December 2004)

Sunday, 23 January 2005

1. Foteyuldine Mohamad Al-Khouli

Monday, 24 January 2005

1. Yasser Mohareb Al-Jabareen (died from wounds sustained on 28 December 2004)
2. Ismael Mohamad El-Issawe (16 years old)

Wednesday, 26 January 2005

1. Rahma Ibrahim Abu-Shammas (3 years old)
2. Mustafa Khader Bsharat
3. Maher Harb Abu Sneina
4. Ibrahim Shala'a
5. Yahiya Nazzal

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* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,621.